

## 6 FAM 1940

# MOTOR VEHICLE OPERATORS

*(CT:GS-163; 04-21-2011)*  
*(Office of Origin: A/OPR/GSM)*

## 6 FAM 1941 GENERAL

### 6 FAM 1941.1 Authority

*(CT:GS-163; 04-21-2011)*

- a. The Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 337, 64 Stat. 578, 68 Stat. 1126, 40 U.S.C. 471, et seq.), expresses congressional intent to provide for an economical and efficient system for transportation of U.S. Government personnel and property.
- b. Section 211(j) of the Act provides for the establishment of procedures to assure safe operation of U.S. Government-owned motor vehicles for official purposes within the 50 States, the District of Columbia, Puerto Rico, and the possessions of the United States.

### 6 FAM 1941.2 Requirements

*(CT:GS-150; 09-26-2005)*

Any individual operating a U.S. Government vehicle must have on hand at all times during vehicle operation, a valid State driver's license for the type of vehicle used.

### 6 FAM 1941.3 Definitions

*(CT:GS-163; 04-21-2011)*

**Commercial vehicle:** As defined by the Department of Transportation (DOT), any vehicle (except for emergency response vehicles) with a gross vehicle weight (GVW) of 26,001 pounds or more; vehicles designed to transport 15 or more passengers, and vehicles used in the transport of hazardous materials in quantities which require the vehicle to be placarded.

**Incidental operator:** Any employee in other than a motor vehicle operator position who is required to operate a motor vehicle in order to properly

carry out assigned duties. Included in this definition are contractor employees required or authorized to operate U.S. Government vehicles under the terms of an existing contract with the Department of State.

**Motor vehicle operator:** Any employee of the U.S. Government whose job regularly requires the operation of motor vehicles. This includes chauffeurs, truck drivers, garage employees/drivers, and guard drivers.

**State license:** A drivers license of the State, District of Columbia, Puerto Rico, or possession in which the employee is domiciled or principally employed for operation of the type of U.S. Government vehicle to be used. For vehicles defined as “commercial,” the proper State license is the commercial driver’s license (CDL).

**U.S. Government vehicle:** Any U.S. Government-owned, commercially leased, commercially rented, loaned or GSA *fleet*-leased vehicle under the direct administrative control of the U.S. Government.

## 6 FAM 1942 QUALIFICATIONS REQUIREMENTS

### 6 FAM 1942.1 Competitive Operator Positions

*(CT:GS-163; 04-21-2011)*

Competitive motor vehicle operator positions may be filled by any of the methods normally authorized for filling competitive positions. The requirements include experience, a safe-driving record, a road test, a valid State driver’s license or commercial *drivers* license (CDL) for the type of vehicle(s) to be operated, and a physical fitness exam as defined by the U.S. Department of Transportation (DOT) and promulgated by the Office of Personnel Management (OPM). (See 6 FAM 1943.1 for information on physical fitness exams.)

### 6 FAM 1942.2 Details

*(CT:GS-163; 04-21-2011)*

An employee may be detailed to a competitive operator position for 30 days or less provided that the employee possesses a valid State *drivers* license for the type of vehicle(s) to be operated during the detail period. For details exceeding 30 days, the employee must meet the requirements applicable to the position to which detailed.

## 6 FAM 1943 PHYSICAL FITNESS

## REQUIREMENTS

### 6 FAM 1943.1 Examination by Medical Officer for Current Operators and Applicants for Operator Positions

*(CT:GS-150; 09-26-2005)*

- a. The Office of Medical Services (M/MED) conducts physical examinations of operators and applicants for operator positions. An initial medical physical examination is required for all applicants for operator positions and every two (2) years thereafter for those hired for operator positions.
- b. The Office of General Services Management's Fleet Management Operations Division (A/OPR/GSM/FMO) will issue a blank Form DL-171, Medical Examination Report for Commercial Driver Fitness Determination, to new applicants and current operators, who will hand carry the forms to M/MED at the time designated for the physical examination. Medical personnel will utilize the physical standards defined in the Federal Motor Carrier Safety Regulations to conduct physical examinations and complete the Form DL-171. Based on the results of the examination, the Office of Medical Services will notify the Bureau of Administration's Human Resources Division (A/EX/HRD) and Office of General Services Management's Fleet Management Operations Division (A/OPR/GSM/FMO) as to whether the individual meets the Federal Motor Carrier Safety Regulations medical requirements for commercial operators.

### 6 FAM 1943.2 Criteria

*(CT:GS-163; 04-21-2011)*

Individuals not meeting Federal Motor Carrier Safety Regulations medical requirements will not be authorized to operate U.S. Government vehicles. It should be noted that section 2 of the Civil Service Act (22 Stat. 403, 5 U.S.C. 632, et seq., *and* 40 U.S.C. 42) prohibits discrimination against any person because of any physical handicap with respect to any position the duties of which may be efficiently performed by a person with such a handicap, provided that such employment will not be hazardous to the appointee or endanger the health or safety of fellow employees or others. (See 3 FAM 1512.)

## 6 FAM 1944 DRIVING PRIVILEGES

### 6 FAM 1944.1 General

*(CT:GS-163; 04-21-2011)*

U.S. Government vehicles are authorized for use only by authorized individuals, and only in the performance of official Department of State business or functions. Operators of U.S. Government vehicles must adhere to the laws of the local city, county, and State where the vehicle is operated, as well as to Department rules, regulations and guidelines. U.S. Government vehicles must be operated in a safe, fuel-efficient manner at all times in order to:

- (1) Extend the useful service life of U.S. Government vehicles;
- (2) Reduce potential liability claims against the U.S. Government; and
- (3) Assist the Department in meeting petroleum fuel-use mandates.

Failure to do so could lead to suspension or revocation of operator driving privileges.

## **6 FAM 1944.2 Causes for Suspension or Revocation**

*(CT:GS-150; 09-26-2005)*

- a. The following infractions are among those constituting sufficient cause for adverse action against operators and incidental operators:
  - (1) The individual is convicted of operating a motor vehicle under the influence of alcohol or narcotics;
  - (2) The individual is involved in a motor vehicle accident and, after investigation, is found to be at fault or the individual is convicted of leaving the scene of an accident without making self known;
  - (3) The individual fails to meet appropriate physical/medical standards as determined by a Federal medical officer;
  - (4) The individual is convicted of a moving violation;
  - (5) The individual utilizes a U.S. Government vehicle for unofficial or unauthorized purposes;
  - (6) The individual operates the motor vehicle in an improper, illegal, or dangerous manner;
  - (7) The individual fails to comply with local jurisdiction laws or Federal/Department policies, guidelines, orders, or instructions related to safe or efficient operation of the vehicle (such as use of nonhands-free electronic devices while operating the vehicle, smoking/eating/drinking in vehicles, failure to utilize seat belts, failure to utilize alternate fuels when available, etc.);
  - (8) The individual causes damage to a U.S. Government vehicle through operator abuse or neglect; and

- (9) The individual fails to notify supervisor of any of the infractions listed above within three business days of the incident.
- b. The suspension or revocation of an employee's State drivers license is automatic cause for immediate suspension or revocation of that employee's U.S. Government vehicle driving privileges; as a minimum, the employee's driving privileges will be suspended or revoked for the same period of time that the employee's State license is suspended or revoked. Operating privileges for individuals with a restricted license (for example, a license that only allows the holder to drive to/from work or only during daylight hours) will be addressed on a case-by-case basis.
- c. All of the stipulations cited in this section pertain equally to contractor employees operating U.S. Government-furnished vehicles under the specifications of a contract. In these cases, the cognizant contracting officer/designee has the responsibility for oversight of contractor employees and enforcement of regulations contained in 6 FAM 1944.

## **6 FAM 1944.3 Authority and Procedures**

*(CT:GS-163; 04-21-2011)*

- a. Due to liability concerns, the decision to suspend or revoke an individual's U.S. Government vehicle driving privileges applies regardless of whether an infraction occurred while operating a U.S. Government vehicle or while operating a nongovernment vehicle.
- b. It is every employee's responsibility to notify his or her supervisor of any infractions listed in 6 FAM 1944.2 prior to operation of a U.S. Government vehicle. Upon such notification from the individual, the supervisor will discuss the situation with the vehicle custodian and render a determination on whether or not the employee should be allowed to operate the vehicle, based upon the facts at hand.
- c. Either the vehicle custodian or the involved employee's supervisor may suspend or revoke that individual's driving privileges based on the criteria in 6 FAM 1944. However, the final authority to suspend or revoke driving privileges rests with the vehicle custodian, as the custodian is ultimately responsible for the vehicle; such actions, if formalized, should be coordinated with the cognizant human resources office.
- d. Any employee found operating a U.S. Government vehicle while his or her *privileges are in a* revoked or suspended status *will* be referred to the cognizant human resources office for appropriate administrative action.

## **6 FAM 1944.4 Reinstatement**

*(CT:GS-150; 09-26-2005)*

The final authority to reinstate an individual's privilege to operate a U.S. Government vehicle rests with the vehicle custodian, normally after consultation with the affected employee's immediate supervisor. The decision to reinstate privileges may be based on successful completion of a road test, written test, medical exam, and other means deemed appropriate by the custodian to ensure the employee will operate U.S. Government vehicles in a safe, legal manner upon reinstatement. In no case will driving privileges for U.S. Government vehicles be reinstated while the individual's State driver's license is suspended or revoked. Vehicle custodians must formally notify the Office of General Services Management's Fleet Management Operations Division (A/OPR/GSM/FMO) of all driving privilege suspensions, revocations, and reinstatements within two business days.

## **6 FAM 1945 ASSIGNMENT OF VEHICLES**

### **6 FAM 1945.1 Vehicle Requests**

*(CT:GS-163; 04-21-2011)*

- a. Department vehicles may be assigned to a specific office upon request. The request must be in writing to the Office of General Services Management's Fleet Management Operations Division (A/OPR/GSM/FMO) and be signed by the executive director of the office to which the vehicle will be assigned. The request must contain the following:
  - (1) Justification, to include:
    - (a) Description of the intended use of the vehicle;
    - (b) Special requirements (i.e., cargo/passenger capacity, special lights, radio, telephone, etc.);
    - (c) Approximate mileage per month;
    - (d) Where the vehicle will be based;
    - (e) When the vehicle is needed;
    - (f) Approximate length of assignment;
    - (g) Accounting information for billing purposes;
    - (h) Type of vehicle required; and
    - (i) Person having direct responsibility for the vehicle (including individual's job title, office symbol, and telephone number); and
  - (2) A statement that:
    - (a) The vehicle will be *used only* for official business;

- (b) Only authorized and properly licensed individuals will be allowed to operate the vehicle;
  - (c) Adequate parking space is available at the location where the vehicle will be garaged; and
  - (d) Existing shuttle bus systems will not meet mission requirements.
- b. Requests for larger, less fuel-efficient vehicles (such as Class IV sedans (see 6 FAM 1945.2), sport utility vehicles (SUVs), and heavy-duty 4-*wheel*-drive trucks) must be accompanied by sufficient justification to warrant assignment; the written request must state why a smaller, more fuel-efficient vehicle and/or an alternate fueled vehicle (AFV) will not meet mission requirements.
- c. Vehicle assignment requests not meeting the criteria described in this section will be held in abeyance until all required information has been provided.

## **6 FAM 1945.2 Issuing Authority**

*(CT:GS-163; 04-21-2011)*

- a. The Office of General Services Management's Fleet Management Operations Division (A/OPR/GSM/FMO) will evaluate vehicle assignment requests and assign vehicles based on a determination of sustained, mission-essential need. In some cases, A/OPR/GSM/FMO may disapprove a request and suggest alternate means of mission accomplishment (such as through use of existing shuttle bus services). Or, A/OPR/GSM/FMO may disapprove the specific type of vehicle requested, but may approve a different type of vehicle after evaluation of all cost, fuel efficiency, regulatory compliance, and mission criticality factors. Vehicle assignments will only be authorized for services considered to be in the best interest of the U.S. Government, which includes consideration of Federal Government-wide mandates for increasing overall fuel efficiency and decreasing petroleum fuel use.
- b. Chapter 102 of the Federal Management Regulation (FMR), Subchapter B, Part 102-34, places various size restrictions on the purchase and lease of motor vehicles. Specifically, vehicles must be selected to achieve maximum fuel efficiency, and motor vehicle body size, engine size, and optional equipment must be limited to what is essential to meet the agency's mission. The FMR specifically limits the purchase and lease of sedans to midsize (Class III) sedans and smaller, unless the purchase or lease of higher cost, lower fuel efficiency large sedans (Class IV) is essential to the agency's mission. Due to these restrictions, as well as to generally negative public opinion on the use of large sedans by U.S.



Government officials, the assignment of large Class IV sedans is strictly controlled within the Department of State. As a matter of Department policy, the Bureau of Administration's Deputy Assistant Secretary for Operations (A/OPR) must formally approve all Class IV sedan assignment requests in advance. Generally, A/OPR will consider Class IV sedan assignment requests *only* for use by the *executive motor pool* and for positions at the Under Secretary level (or equivalent) and above.

## **6 FAM 1945.3 Involuntary Withdrawal of Assigned Vehicle**

*(CT:GS-150; 09-26-2005)*

Vehicle assignments may be terminated by the Office of General Services Management's Fleet Management Operations Division (A/OPR/GSM/FMO) for any of the following reasons:

- (1) Insufficient utilization. If utilization is low and it is determined that the mission could be accomplished through other more cost-effective means such as temporary rental; or
- (2) Improper care and/or use of the assigned vehicle, including failure to deliver the vehicle to vendors for scheduled maintenance or inspections in accordance with established due dates; or
- (3) Failure to comply with administrative guidelines established by the Office of General Services Management's Fleet Management Operations Division (A/OPR/GSM/FMO) for operation of the vehicle; or
- (4) Failure to provide operational data, such as fuel use, oil consumption, and odometer readings, as prescribed by A/OPR/GSM/FMO; or
- (5) Failure to submit vehicle assignment justification statements to A/OPR/GSM/FMO during the required annual vehicle inventory reconciliation process.

## **6 FAM 1945.4 Right of Appeal**

*(CT:GS-150; 09-26-2005)*

Any office having a vehicle assignment terminated under 6 FAM 1945.3 may appeal the termination to the Bureau of Administration's Deputy Assistant Secretary for Operations (A/OPR). The office filing the appeal must present evidence showing why the termination should be reversed, or that corrective action has been taken regarding the infraction. There is no further right of appeal if a vehicle assignment is terminated on three separate occasions for the same infraction.



## **6 FAM 1946 DOMESTIC DISTRACTED DRIVING**

### **6 FAM 1946.1 Policy and Objectives**

(CT:GS-163; 04-21-2011)

*Distracted driving places operators, passengers, pedestrians, and others at great risk of property damage, personal injury, and loss of life. The objective of this policy is to implement distraction controls; curtail distracted driving practices; and alleviate vehicular accidents caused by distracted driving.*

#### **6 FAM 1946.1-1 Definitions**

(CT:GS-163; 04-21-2011)

**Cognitive driving distraction:** *Mental workload that involves thinking about something other than the primary driving task, including the conduct of conversations with other individuals either on the phone or in the vehicle.*

**Distracted driving:** *Inattention that occurs when a driver diverts attention away from the task of operating a vehicle to focus on another activity. The National Highway Traffic Safety Administration (NHTSA) categorizes distracted driving in the three basic subcategories of visual, manual, and cognitive distractions.*

**Driving:** *Operating a motor vehicle on a roadway, including when temporarily stationary because of traffic congestion or a traffic signal, stop sign, other traffic control device, etc., with the vehicle engine running. Driving does not include being behind the wheel of a stopped vehicle in a location off of a roadway where it is safe and legal to remain stationary.*

**Electronic device:** *For purposes of this policy statement, an electronic device is a cellular telephone, personal digital assistant (PDA), laptop computer, global positioning system (GPS), audio/video players, and similar apparatuses used to communicate or to send, retrieve, store, or display information or data.*

**Hands-free device (HFD):** *An apparatus used with an electronic device that permits the user to operate the device without holding it or otherwise occupying the user's hands. HFDs may take the form of voice/touch activation, an ear-bud and lapel microphone combination, or an installed speaker and microphone combination.*

**Manual driving distraction:** *Tasks that require the driver to take a hand*

*off the steering wheel to perform a non-steering task (such as dialing a phone number, sending a text message, tuning a radio, eating, or self-grooming).*

**Motor vehicle operator (MVO):** *Any individual holding the official job title of "Motor Vehicle Operator" in job classification series 5703.*

**Security functions:** *For the purposes of this policy statement, the term "security functions" includes security, law enforcement, investigations, and protective service functions.*

**Texting/text messaging:** *Reading from or entering data into an electronic device, including for the purpose of short message service (SMS), e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or communication that requires manual entry/retrieval.*

**Visual distraction:** *Task that requires the driver to look away from the roadway and/or vehicle mirrors to visually obtain information or perform a non-driving manual task (such as reading a road map or GPS).*

## **6 FAM 1946.3 Scope, Applicability, Authority, and Responsibility**

### **6 FAM 1946.3-1 Scope**

*(CT:GS-163; 04-21-2011)*

*The scope of this policy statement includes all domestic use of official vehicles, or domestic use of Government-issued electronic devices while operating any vehicle, unless specifically exempted.*

### **6 FAM 1946.3-2 Applicability**

*(CT:GS-163; 04-21-2011)*

- a. The policy described herein applies domestically to individuals operating State Department vehicles; operating non-State Department vehicles while conducting official government business; or utilizing a Government-issued electronic device while operating any vehicle.*
- b. There are no exceptions to the prohibition against text messaging as described herein.*
- c. The policy described herein that applies to talking on an electronic device does not apply to:*
  - (1) Individuals assigned responsibility for security functions when actually performing such functions while driving; this exception is allowed based on mission criticality and security;*

- (2) *Individuals holding the official job title of "motor vehicle operator" (MVO; job classification series 5703), who may talk on an electronic device with certain limitations as described below. This exception is allowed because of operational necessity combined with the generally higher level of training and experience associated with professional MVOs when compared to that of other operators; and*
- (3) *Use of two-way radios.*
- d. *In the event of a conflict between policy defined in this subchapter and local law/jurisdiction, the more restrictive/prohibitive requirement takes priority.*

## **6 FAM 1946.3-3 Authority and Responsibility**

*(CT:GS-163; 04-21-2011)*

- a. *Domestic authority and responsibility for establishing policy, driver education and oversight activities associated with minimizing distracted driving rest primarily with the Domestic Environmental and Safety Division (A/OPR/FMS/DESD) and secondarily as a shared responsibility by the Fleet Management Office (A/OPR/GSM/FMO), vehicle custodians, and supervisory personnel.*
- b. *Supervisors of individuals excepted from requirements described in subparagraph 6 FAM 1946.3-2.c must institute internal policies and procedures that incorporate the spirit and intent of the policy described in this subchapter to minimize using electronic devices while driving.*

## **6 FAM 1946.4 Policy**

### **6 FAM 1946.4-1 Texting**

*(CT:GS-163; 04-21-2011)*

- (1) *With a Government-issued electronic device while driving any vehicle; and*
- (2) *With any electronic device while driving a Government vehicle or while driving a privately owned vehicle (POV) on official business. Executive Order 13513 applies.*
- b. *Glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle is not considered texting and is therefore allowed, provided that the practice is not prohibited by local law and the destination and route are programmed into the device while not driving.*
- c. *Use of radar warning devices is never allowed while operating a*

*Government vehicle or while operating any vehicle being utilized for official government business.*

## **6 FAM 1946.4-2 Talking**

*(CT:GS-163; 04-21-2011)*

- a. Talking on a Government-issued device while driving any vehicle; talking on any device while driving an official vehicle; and talking on any device while operating a POV on official business is prohibited. Incoming calls may not be taken and outgoing calls may not be initiated while driving.*
- b. The following exceptions apply:*
  - (1) When dictated by operational necessity, motor vehicle operators (MVOs) may talk on a cell phone while driving if a hands-free device is utilized. Prior to initiating or receiving a call, the MVO will make every effort to pull off the roadway and stop in a safe and lawful location. MVOs are not required to answer calls while driving if the MVO determines it would be unsafe to do so;*
  - (2) MVOs may utilize the exception noted above to initiate calls only when conducting official Government business (e.g., no personal calls). MVOs will refrain from extended conversations while driving and will hold conversations to the absolute minimum duration necessary to convey vital job-related information; and*
  - (3) In the event of an emergency, any driver may initiate a call when traveling alone. The call must last no longer than necessary to address the emergency.*
- c. The exceptions listed above do not apply if prohibited by local law.*

## **6 FAM 1946.5 Distraction Controls**

*(CT:GS-163; 04-21-2011)*

- a. Distraction controls are enforced for all drivers of official vehicles; for all drivers of POVs while on official Government business, and for all drivers using a Government-issued electronic device while driving.*
- b. Individuals must refrain from any activity that may lead to visual, manual, or cognitive distracted driving. Such activities include eating, drinking, and, smoking (which are never allowed in Government vehicles); reading, personal grooming, adjusting the radio, engaging in animated conversation with passengers, aggressive driving, and any other activities that divert attention from the road or vehicle mirrors.*
- c. Drivers cannot wear portable headphones, earphones, or other listening devices that fit into or over the ear(s) while driving, with the exception*

*that MVOs may utilize ear-buds in conjunction with hands-free communication device operation if allowed by local law.*

- d. Passengers may volunteer to operate electronic devices for the driver and should be encouraged to do so when warranted.*
- e. Contracts, grants, and cooperative agreements must encourage contractors, subcontractors, recipients, and subrecipients to adopt and enforce the policies and principles defined herein when conducting business on behalf of the Department.*
- f. All levels of supervision and management must actively participate in the enforcement of this program; be involved by personal example and precept; and encourage State employees to voluntarily comply with the initiatives defined herein while off-duty.*

## **6 FAM 1947 THROUGH 1949 UNASSIGNED**